

STULL, STULL & BRODY

COUNSELORS AT LAW

10940 WILSHIRE BLVD.  
23RD FLOOR  
LOS ANGELES, CA 90024  
(310) 209-2468  
TELECOPIER: (310) 209-2087

6 EAST 45TH STREET  
NEW YORK, NY 10017  
(212) 687-7230  
TELECOPIER: (212) 490-2022

April 14, 2011

The Honorable William E. Smith  
United States District Court for the District of  
Rhode Island  
One Exchange Terrace  
Providence, RI 02903

Re: *Isabel S. Cohen, et al. v. Rhode Island Turnpike and Bridge Authority*  
C.A. No. 09-153S

Dear Judge Smith:

Plaintiff Isabel S. Cohen submits this letter in response to the Court's invitation to provide a letter brief on why the Class Action Fairness Act of 2005 ("CAFA") does not apply to the above entitled matter.

This Court did not have original jurisdiction over this matter under CAFA. For this Court to acquire jurisdiction under CAFA, "the matter in controversy" must exceed "the sum or value of \$5,000,000, exclusive of interest and costs[.]" 28 USCS § 1332(d)(2). As the complaint does not contain specific damage allegations, the defendant must show a reasonable probability that the amount in controversy exceeds \$5 million. *Amoche v. Guar. Trust Life Ins. Co.*, 556 F.3d 41, 43 (1st Cir. 2009). In the present case, defendant has provided no evidence to this Court showing a reasonable probability that the matter in controversy exceeds \$5,000,000. Thus, this Court does not have jurisdiction over this matter under CAFA.

Respectfully submitted,

/s/ Timothy J. Burke  
Timothy J. Burke  
Counsel for Plaintiff

/tjb

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2011, I caused this document to be filed with the Court via the Court's CM/ECF system and, therefore, such document was made available for viewing by the parties below:

Stephen R. White  
[steve@srwesq.com](mailto:steve@srwesq.com)  
LAW OFFICES OF STEPHEN R. WHITE  
200 Centerville Road, Suite One  
Warwick, RI 02886

William E. O'Gara  
[wogara@pldwlaw.com](mailto:wogara@pldwlaw.com)  
Bernard A. Jackvony  
[bjackvony@pldwlaw.com](mailto:bjackvony@pldwlaw.com)  
Thomas R. Gonnella  
[tgonnella@pldwlaw.com](mailto:tgonnella@pldwlaw.com), [ksilva@pldwlaw.com](mailto:ksilva@pldwlaw.com)  
PANNONE LOPES DEVEREAUX & WEST LLC  
317 Iron Horse Way, Suite 301  
Providence, RI 02908

Timothy J. Burke  
[service@ssbla.com](mailto:service@ssbla.com)  
STULL, STULL & BRODY  
10940 Wilshire Boulevard  
Suite 2300  
Los Angeles, CA 90024

/s/ Timothy J. Burke  
Timothy J. Burke